

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

AT BECKLEY

TINA TAYLOR,

Plaintiff,

v.

CIVIL ACTION NO. 5:19-cv-00117

ANDREW SAUL
COMMISSIONER OF THE
SOCIAL SECURITY ADMINISTRATION,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending are Plaintiff's Brief in Support of Judgment on the Pleadings [Doc. 13], filed June 10, 2019, and the Defendant's ("Commissioner") Brief in Support of Judgment on the Pleadings/Defendant's Decision [Doc. 16], filed July 15, 2019. This action was previously referred to United States Magistrate Judge Cheryl A. Eifert for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Eifert filed her PF&R on October 3, 2019. Magistrate Judge Eifert recommended that the Court deny Plaintiff's request for Judgment on the Pleadings; grant the Commissioner's Request for Judgment on the Pleadings; affirm the Commissioner's decision, and dismiss this action, with prejudice, and remove it from the Court's docket.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) (emphasis added) ("A judge of the court shall make a de novo determination of those

portions of the report or specified proposed findings or recommendations *to which objection is made.*”). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner’s right to appeal the Court’s order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (noting parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on October 21, 2019. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 17**], **DENIES** Plaintiff’s request for Judgment on the Pleadings, **GRANTS** the Commissioner’s request for Judgment on the Pleadings [**Doc. 16**], **AFFIRMS** the Commissioner’s decision, and **DISMISSES** the matter.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTERED: December 11, 2019

 
Frank W. Volk
United States District Judge